

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

David Billups,
Plaintiff

Case No. C-1-01-377

vs

James McWeeney, et al.,
Defendants

ORDER
(Spiegel, J.; Hogan, M.J.)

This matter is before the Court on plaintiff's motion for extension of time to respond to the Court's deficiency order of January 12, 2004. (Doc. 147). On February 10, 2004, the Court granted plaintiff's motion to withdraw his interlocutory appeal. (Doc. 144). Accordingly, the deficiency order is hereby **VACATED** and plaintiff's motion for extension of time is **DENIED** as moot.

IT IS SO ORDERED.

Date: 2/20/2004

s/Timothy S. Hogan
Timothy S. Hogan
United States Magistrate Judge